FARAD CONTINUATION SHEET NO.:
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Application (St.) No.28039 of 2005
With
Civil Application (St.) No.28041 of 2005
In
Public Interest Litigation No.39 of 2003

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.S.B.Deshmukh for applicants.

Mr.J.Reish, Sr.Advocate i/by Mr.Yadnunath Choudhary for Panchgani Municipal Council.

Mr.Riyaz Chagla i/by Federal Rashmikant for respondents (Org.petitioners).

CORAM : H.L GOKHALE &
J.P.DEVADHAR, JJ.
DATED : 7th December 2005

P.C. :

1. Heard the learned Counsel for the parties.

2. The first Application i.e. C.A. (St.) No.28039 of 2005 is filed by some 13 Applicants being threatened with demolition of the chawls which have been constructed by them in the Panchagani Municipal area. The second Application i.e. C.A. (St.)

No.28041 of 2005 is filed by 31 Applicants, whose structures are threatened with demolition.

3. In the second Application, the submission is that the structures exist prior to 1985 i.e. the date when the development plan for the Municipal Council came into force. It is submitted that under a wrong understanding of the orders passed by the High Court these structures are sought to be demolished.

4. Mr.Riyaz Chagla appearing for the original petitioners has no objection to the structures being retained, provided the persons concerned apply to the Municipal Council for regularisation and the decision be taken at the earliest.

5. Mr.Reis, learned Counsel appearing for the Panchagani

Municipal Council, states that the applications, when made, will be looked into and will be decided in accordance with law after giving an opportunity to the Applicants concerned.

6. Needless to state that in the meanwhile and until four weeks after decision the structures will not be demolished and the notices for demolition will stand quashed.

7. We dispose of both these Applications with the above order.

(H.L.GOKHALE, J.)

(J.P. DEVADHAR, J.)